

HOUSE BILL 2516

By Reedy

AN ACT to amend Tennessee Code Annotated, Title 4;
Title 58; Title 68 and Title 69, relative to flood
resilience.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 69, is amended by adding the following
as a new chapter:

69-12-101.

As used in this chapter, unless the context otherwise requires:

- (1) "Department" means the department of environment and conservation;
- (2) "Local governmental entity" means a governing body, board, commission, committee, or department of a municipality, county, or other political subdivision of this state; and
- (3) "Task force" means the Tennessee flood resilience and community preparedness task force.

69-12-102.

- (a) There is created the Tennessee flood resilience and community preparedness task force, which is responsible for identifying current and future flood risks to the state and its citizens, prioritizing eligible projects for flood mitigation, coordinating between existing state agencies to identify funding opportunities and efficiencies, and formulating policy reforms to protect assets and lives across the state.
- (b) The task force is attached to the department for administrative, fiscal, and personnel purposes only, and is to be operationally independent from the department.

69-12-103.

(a) The task force is chaired by a representative from the office of the governor, or the representative's designee, and composed of the following fifteen (15) members:

- (1) The representative from the office of the governor, or the representative's designee;
- (2) The commissioner of environment and conservation, or the commissioner's designee;
- (3) The commissioner of economic and community development, or the commissioner's designee;
- (4) The commissioner of transportation, or the commissioner's designee;
- (5) The commissioner of commerce and insurance, or the commissioner's designee;
- (6) The director of the Tennessee emergency management agency, or the director's designee;
- (7) The commissioner of agriculture, or the commissioner's designee;
- (8) Two (2) members of the senate to be appointed by the speaker of the senate;
- (9) Two (2) members of the house of representatives to be appointed by the speaker of the house of representatives; and
- (10) Four (4) public members, as follows:
 - (A) Two (2) representatives from academic institutions, as designated by the chair; and
 - (B) Two (2) representatives from non-government organizations, as designated by the chair.

(b)

(1) The chair shall call the first meeting of the task force.

(2) The task force shall fix a time and place for regular meetings and shall meet no less than once quarterly. Except for the first meeting of the task force called in accordance with subdivision (b)(1), all other meetings of the task force, including emergency meetings, are held at the call of the chair with written notice given to all task force members.

(3) The task force may conduct regular or special meetings by electronic or other means pursuant to § 8-44-108.

(c) The task force shall agree upon any findings and recommendations by a majority vote of the total membership of the task force. A majority of the members of the task force constitutes a quorum for the purpose of meeting and conducting business.

(d)

(1) A public member who misses more than fifty percent (50%) of the scheduled meetings in a calendar year is removed as a member of the task force.

(2) The chair of the task force shall promptly notify, or cause to be notified, the appointing authority of a public member who fails to satisfy the attendance requirement of subdivision (d)(1).

(e) All vacancies occurring on the task force by reason of death or resignation are filled by the task force itself.

(f) The members of the task force receive no compensation for their services on the task force, but receive reimbursement for expenses incurred in attending meetings of the task force and for travel incident thereto, in accordance with the comprehensive travel regulations promulgated by the department of finance and administration and approved by the attorney general and reporter.

(g) In making appointments to the task force, the appointing authorities shall strive to ensure that the task force membership is diverse in educational background, ethnicity, race, sex, and geographic residency.

(h) The office of the governor, or the office of the governor's designee, is responsible for providing administrative support services to the task force.

(i)

(1) Public notice shall be given for all meetings, and all meetings are open to the public.

(2) All records are available to the public. An individual wishing to obtain copies of such records may request the copies in writing from the task force.

69-12-104.

(a) The task force may request assistance and support from:

(1) A statutorily created entity in this state; and

(2) A member of the public, industry, or academia.

(b) The task force may make use of existing studies, surveys, plans, data, and other materials in the possession of state agencies. The agencies shall make materials available to the task force upon request and assist the task force in the performance of its functions.

(c) To coordinate and strengthen efforts to reduce losses from future disasters across this state, the task force shall:

(1) Develop and implement a statewide flood risk reduction and resilience plan, to build upon findings and recommendations from the 2020 Tennessee advisory commission on intergovernmental relations (TACIR) Report "Collaborating to Improve Community Resiliency to Natural Disasters," and any revisions to the report by TACIR, and serve as a framework to guide state

investment in flood mitigation projects and the adoption of programs and policies to protect people, businesses, and property in this state. The plan must include provisions that:

(A) Describe and update known flood risks in each of Tennessee's major watershed basins;

(B) Identify data and information gaps in each major watershed basin that affect the capacity of state agencies and local governments to evaluate and address factors that increase flood risk; and

(C) Develop recommendations to decrease the vulnerabilities and adverse impacts associated with flooding. The recommendations should seek to reduce the need of future government spending and activity around disaster recovery and must consider the following:

(i) The economic impact of flood risks to the state, including the impact of government services, housing, forestry, agriculture, water and other natural resources, food systems, zoning, wildlife, hunting, infrastructure, economic productivity and security, education, and public health;

(ii) The long-term costs of flooding, including the cost of ongoing operation and maintenance of specific projects or suites of flood mitigation projects and approaches;

(iii) Opportunities to prioritize the role of nature-based solutions and other methods to restore the natural function of a floodplain;

(iv) Additional benefits that may be achieved beyond flood reduction, including improvements in water quality, economic

development, tourism and recreational opportunities, or protection of wildlife and aquatic resources;

(v) Statutory or regulatory remedies for consideration by the general assembly;

(vi) Necessary state policies or responses to decrease the vulnerabilities and adverse impacts associated with flooding, including alterations to state building codes and land use management, creation or streamlining of programs or offices, and directions for the provision of clear and coordinated services and support to reduce the impact of flooding; and

(vii) Potential financial resources available for increasing resiliency throughout the state; and

(2) Recommend the integration of identified approaches to risk reduction into existing state strategies for hazard mitigation, environmental protection, and economic opportunity and development, with the goal of reducing government burden and costs to taxpayers;

(3) Coordinate statewide flood disaster mitigation programs, and collaboration between federal, state, and local stakeholders; and

(4) Develop:

(A) A statewide strategy for the provision of technical assistance to government entities for resilience planning; and

(B) A clearinghouse of available resources to support flood resilience planning and mitigation programs.

(d) The taskforce shall hold public meetings in accordance with title 8, chapter 44 to gather information and feedback on recommendations and proposed activities.

69-12-105.

(a) There is created in the state treasury the flood resilience reserve fund, which is separate and distinct from the general fund and all other reserve funds, to be administered by the department. As used in this section, "the fund" refers to the flood resilience reserve fund.

(b) The fund consists of moneys appropriated to the fund by the general assembly. Funds appropriated to the fund must only be used to develop, implement, and maintain the statewide flood risk reduction and resilience plan developed by the task force, and for hazard mitigation, and infrastructure improvements.

(c) Interest accrued by the fund must remain in the fund, and unexpended funds must be retained and carried forward to be used for the same purposes.

(d) The fund may make financial assistance available to a state and local government entity, a river basin authority, a development district, or a non-profit entity related to reducing the long-term costs of flood-related disasters. For the purposes of this section, activities related to reducing the long-term costs of flood-related disasters include:

(1) Financial assistance to a state or local governmental entity to provide the share of funds not covered by a federal source for federal flood and pre-disaster resilience programs;

(2) A mitigation buyout, relocation, or buyout assistance for a home, including a multifamily unit, not covered by the federal Hazard Mitigation Grant Program (44 C.F.R. § 206.430 et seq.);

(3) Gap funding related to a buyout to move a resident out of a floodplain hazard area and restore or enhance the natural flood-mitigation capacity of functioning floodplains;

(4) Assistance to low and moderate-income homeowners to help lower the cost of flood insurance and structural and nonstructural mitigation projects, including the use of nature-based solutions;

(5) A loan or grant to a state or local governmental entity for a hazard mitigation and infrastructure improvement project; and

(6) An approved mitigation project identified in a local post-disaster recovery plan created and adopted prior to a disaster.

(e) Upon the fund's creation, funding priority must be given to projects identified by the statewide flood risk reduction and resilience plan developed by the task force.

(f) Projects selected to receive financial assistance for hazard mitigation and infrastructure improvement projects must comply with requirements of the federal National Flood Insurance Program (42 U.S.C. § 4001 et seq.), or requirements adopted by a local government that are more stringent than those provided for under the federal program. The task force shall give priority to projects that offer enhanced protection from future flood events and incorporate natural features to achieve protections. Funds shall not be used for projects that increase the flood vulnerabilities of neighboring areas.

(g) In order to qualify for hazard mitigation and infrastructure improvement grants and loans, eligible fund recipients must apply to the department and meet all criteria set forth by the department.

(h) The task force shall review all criteria adopted by the department for allocating funds and advise the commissioner of environment and conservation on the allocation of such funds pursuant to this section.

69-12-106.

(a) The task force shall appear before the government operations committee of the house of representatives and the government operations committee of the senate,

meeting jointly, to present an interim progress report of its findings and recommendations no later than July 1, 2023.

(b)

(1) The task force shall submit a final report of its findings and recommendations to the government operations committee of the house of representatives, the government operations committee of the senate, the speaker of the house of representatives, the speaker of the senate, TACIR, and the commissioner of environment and conservation, no later than July 1, 2024.

The final report must include:

(A) A recommended statewide flood risk reduction and resilience plan in accordance with this chapter;

(B) A recommendation on the integration of identified approaches to risk reduction for hazard mitigation, environmental protection, and economic opportunity and development, with the goal of reducing government burden and costs to taxpayers;

(C) A statewide strategy for the provision of technical assistance to government entities for resilience planning;

(D) Information about the clearinghouse of resources to support flood resilience planning and mitigation programs; and

(E) Details about hazard mitigation and infrastructure improvement projects, if any, that have received financial assistance from the flood resilience reserve fund.

(2) The report must be posted on the department's website in a publicly accessible place.

SECTION 2. For the purpose of appointing public members to the task force, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, this act takes effect July 1, 2022, the public welfare requiring it.